

PETER R. BOUTIN, CASB No. 65261
peter.boutin@kyl.com

GABRIEL LEE-SANCHEZ, CASB No. 345891
gabriel.lee-sanchez@kyl.com

KEESAL, YOUNG & LOGAN

A Professional Corporation

578 Jackson Street

San Francisco, California 94133

Telephone: (415) 398-6000

Facsimile: (415) 981-0136

Attorneys for Defendants

CHARLES SCHWAB & CO., INC., GREG SCANLON,
RICHARD DANGERFIELD, and W. HARDY CALLCOTT

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RICHARD JOHN LEE, individually, and on
behalf of ALDEN LEE COMPANY, INC.,
ALDEN LEE COMPANY, INC. shareholders,
ALDEN LEE COMPANY, INC. creditors, and,
under Private Attorney General Status on behalf
of the Greater Public Good,

Plaintiffs,

vs.

CHARLES SCHWAB & CO., INC., GREG
SCANLON, RICHARD DANGERFIELD, W.
HARDY CALLCOTT, DELOITTE & TOUCHE
LLP, RICHARD A. FIEDELMAN, GERALD
FUJIMOTO,

Defendants.

) Case No. 2:25-cv-0558-JDP

) **DEFENDANTS' MOTION FOR**
) **ADMINISTRATIVE RELIEF REGARDING**
) **CONTINUANCE OF RULE 26 INITIAL**
) **DISCLOSURES AND RULE 16**
) **SCHEDULING ORDER**

Pursuant to Eastern District Local Rule 233 and Federal Rules of Civil Procedure 16(b) and 26(f), Defendants Deloitte & Touche LLP, Richard A. Fiedelman and Gerald Fujimoto (the “Deloitte Defendants”) and Defendants Charles Schwab & Co., Inc., Greg Scanlon, Richard Dangerfield and W. Hardy Callcott (the “Schwab Defendants”) hereby seek an order to continue certain discovery deadlines.¹ In support of this motion, Defendants recite as follows:

1. On March 18, 2025, Defendants filed Motions to Dismiss. (ECF Nos. 7 and 10).
Defendants noticed their Motions to Dismiss for hearing on May 1, 2025.²
2. On April 9, 2025, Plaintiff Richard Lee (“Plaintiff”) filed five motions, including a motion for summary judgment (“Plaintiff’s Motions”). (ECF Nos. 15, 16, 17, 18, 19.) Plaintiff improperly noticed his Motions for hearing on May 1, 2025.
3. On April 28, 2024, the Court ordered that Defendants’ Motions to Dismiss and Plaintiff’s Motions were submitted without appearance and without argument. (ECF No. 17.)
Accordingly, the May 1, 2024 hearing date was vacated. (*Id.*)
4. Under Fed. R. Civ. P. 16(b)(2), a scheduling order must be issued by May 19, 2025, unless the Court finds good cause for delay.
5. Under Fed. R. Civ. P. 26(f)(1), the parties must hold a conference and plan for discovery twenty-one days prior to the date a scheduling order is due under Rule 16, unless the Court orders otherwise.

Here, there is good cause for the Court to (1) delay the issuance of a Rule 16 scheduling order, and (2) continue the parties’ deadline to hold a Rule 26(f) conference, for at least the following reasons:

First, the Court has not yet ruled on Defendants’ Motions to Dismiss, which may be dispositive and may moot the need for a scheduling order, scheduling conference, and discovery.

¹ The Deloitte Defendants and the Schwab Defendants will collectively be referred to herein as the “Defendants.”

² All parties have consented to the exercise of jurisdiction by Magistrate Judge Jeremy D. Peterson in this matter, and thus this request is submitted to Judge Peterson. (ECF Nos. 5, 26, 28.)

1 **Second**, on April 9, 2025, Plaintiff Richard Lee (“Plaintiff”) filed five motions, including a
 2 motion for summary judgment (“Plaintiff’s Motions”). (ECF Nos. 15, 16, 17, 18, 19.) The Court has
 3 not yet ruled on Plaintiff’s Motions.

4 **Third**, Plaintiff alleged, in his verified complaint, that “[a]ll factual information supporting
 5 [his] claim[s] [in the Complaint has] been provided herewith. There remains nothing to be
 6 discovered.” (Complaint, ECF No. 1, at ¶ 6.)

7 Because Defendants’ Motions to Dismiss may be dispositive, and Plaintiff admits that “[t]here
 8 remains nothing to be discovered,” Defendants hereby jointly request, pursuant to Federal Rules of
 9 Civil Procedure 16(b) and 26(f), that the Court (1) continue the deadline for the parties to conduct
 10 their Rule 26(f) conference, and (2) delay its issuance of a Rule 16 scheduling order, to a date after the
 11 Court rules on Defendants’ Motions to Dismiss.

12 Defendants have attempted to contact Plaintiff to ascertain his position on this request but have
 13 not received a response.

14
 15 DATED: May 7, 2025

/s/Peter R. Boutin
 PETER R. BOUTIN
 GABRIEL LEE-SANCHEZ
 KEESAL, YOUNG & LOGAN
 ATTORNEYS FOR DEFENDANTS
 CHARLES SCHWAB & CO., INC., GREG
 SCANLON, RICHARD DANGERFIELD, AND
 W. HARDY CALLCOTT

20
 21 DATED: May 7, 2025

/s/ Avalon J. Fitzgerald (as authorized on 5/7/2025)
 AVALON JOHNSON FITZGERALD
 REYNOLDS TILBURY WOODWARD LLP
 ATTORNEYS FOR DEFENDANTS
 DELOITTE & TOUCHE LLP, RICHARD
 FIEDELMAN, AND GERALD FUJIMOTO

~~PROPOSED~~ ORDER

Good cause appearing, IT IS HEREBY ORDERED THAT:

1. The deadline for the parties to meet their obligations under Fed. R. Civ. P. 26(f) is vacated.

2. Upon resolution of all motions to dismiss, the court will, if appropriate, set an initial scheduling conference and a deadline for the parties to meet their obligations under Fed. R. Civ. P. 26(f).

IT IS SO ORDERED.

Dated: May 8, 2025


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE